

SENATE BILL 451

By Burks

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4, relative to driving under the  
influence or while impaired.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person commits the offense of driving under the influence and is subject to punishment as provided in § 55-10-403 if the person is driving or in actual physical control of a vehicle anywhere within this state and the person:

(1) Is under the influence of alcoholic beverages as defined in § 57-6-102, beer as defined in § 57-6-102, or a chemical or controlled substance as defined in § 39-17-402, any other impairing substance, or any combination of two (2) or more of these substances and is thereby impaired to the slightest degree;

(2) Has a blood or breath alcohol concentration of eight-hundredths of one percent (0.08 %) or more;

(3) Has any amount of a Schedule I chemical or controlled substance, as defined in §§ 39-17-405 to 406, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid; or

(4)

(A) Has any amount of a Schedule II, III, IV chemical or controlled substance, as defined in §§ 39-17-407 to 412, or one of

its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid.

(B) It is an exception to the offense of driving under the influence for a violation of subdivision (a)(4)(A) that the person consumed the drug pursuant to a prescription issued by a licensed health professional authorized to prescribe it, injected, ingested, or inhaled the controlled substance in accordance with the health professional's direction, and the drug found in the person's bodily fluid is the same drug for which the person has a prescription or order.

(b) With the exception of subdivision (a)(4), the fact that any person charged with violating this subsection is or was legally entitled to consume alcohol or to use a controlled substance, medication, drug or other impairing substance, shall not constitute a defense against any charge of violating subsection (a).

SECTION 2. Tennessee Code Annotated, Section 55-10-402, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the language "§ 55-10-401(a)(1)" and by substituting instead the language "§ 55-10-401(a)".

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.